

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

THOMAS A. EAMES, ROBERTA L. EAMES and TAMMY EAMES, on behalf of themselves and all others similarly situated,	)	<b><u>CONFIDENTIAL – <i>Eames v. Nationwide</i></u></b>
Plaintiffs,	)	Civil Action No. 04-CV-1324-KAJ
v.	)	
NATIONWIDE MUTUAL INSURANCE COMPANY,	)	
Defendants.	)	

**DEFENDANT'S RESPONSES TO  
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendant, Nationwide Mutual Insurance Company ("Nationwide"), pursuant to Federal Rule of Civil Procedure 33, responds to Plaintiffs' First Set of Interrogatories.

**Interrogatory No. 1**

State whether Nationwide has engaged in the disputed practice in the State of Delaware, at any time since August 20, 2001.

**Response**

Nationwide objects to this interrogatory as overbroad and unduly burdensome, vague and ambiguous, not properly limited to class certification issues, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of these objections, Nationwide has not "characterized" PIP as "full." Nationwide further responds that it does not control what documents or materials may or may not be shared by its third-party independent insurance agents with actual or prospective purchasers of automobile insurance. Every sale or prospective sale of insurance involves separate and unique individual circumstances.

~~CONFIDENTIAL - *Eames v. Nationwide*~~**Interrogatory No. 2**

If your answer to Interrogatory No. 1 above is in the affirmative, identify all persons with knowledge of the genesis, development, inception or origins of the disputed practice.

**Response**

Nationwide objects to this interrogatory as overbroad and unduly burdensome, vague and ambiguous, not properly limited to class certification issues, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of these objections, Nationwide states that the Delaware Department of Insurance has in the past issued suggested forms. For example, Circular Letter No. 80-5 was issued by the Delaware Department of Insurance on April 23, 1980. This included a recommended Form A issued by the Delaware Department of Insurance. The recommended Form A issued by the Delaware Department of Insurance includes a box stating "full coverage with no deductible" in connection with whether or not the insured is electing to have a deductible applicable to his or her PIP coverage. Patti Szlosek has knowledge of this. Ms. Szlosek is a Compliance Manager for Nationwide. She may be reached through counsel for Nationwide. Nationwide will supplement its response should additional information become available.

**Interrogatory No. 3**

If your answer to Interrogatory No. 1 above is in the affirmative, identify all documents that refer or relate to the genesis, development, inception or origins of the disputed practice.

**Response**

Nationwide incorporates its objections and response to Interrogatory No. 2 above in response to this interrogatory.

~~CONFIDENTIAL - Eames v. Nationwide~~**Interrogatory No. 4**

Has Nationwide ever communicated with its insurance agents in Delaware on the content or form of any form documents used by such agents in the sale of automobile insurance in Delaware, including without limitation documents of the type shown at Tab A hereto, and documents used to quote "rates" or premiums for the purchase of such insurance?

**Response**

Nationwide objects to this interrogatory as overbroad and unduly burdensome, unlimited in time and scope, vague and ambiguous, not properly limited to class certification issues, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of these objections, Nationwide states that communications have been made to independent third-party insurance agents in Delaware regarding certain documents. Nationwide will further respond to this interrogatory should Plaintiffs properly identify and request relevant information regarding particular documents.

**Interrogatory No. 5**

If your answer to Interrogatory No. 4 above is in the affirmative, identify all persons with knowledge of the drafting, preparation, creation, editing or revision of the form documents to which Interrogatory No. 4 refers.

**Response**

Nationwide objects to this interrogatory as overbroad and unduly burdensome, unlimited in time and scope, not properly limited to class certification issues, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of these objections, Nationwide states that its third-party independent agents have the ability to print an Auto Memorandum of Insurance, pertinent to a particular policy, such as Exhibit A referenced by this interrogatory. Its purpose is to provide basic information regarding a particular policy as of the date indicated. It does not amend, extend or otherwise affect the terms, exclusions or conditions of any underlying insurance. Ms. Szlosek has knowledge of this. Nationwide will further

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respond to this interrogatory should Plaintiffs properly identify and request relevant information regarding other particular documents.

**Interrogatory No. 6**

If your answer to Interrogatory No. 4 above is in the affirmative, identify all documents that refer or relate to the drafting, preparation, creation, editing or revision of the documents to which Interrogatory No. 4 refers.

**Response**

Nationwide incorporates its objections and responses to Interrogatory No. 5 above in response to this interrogatory.

**Interrogatory No. 7**

With respect to any documents responsive to the *Eames* Plaintiffs' First or Second Sets of Requests for Production of Documents, but withheld by you under claim of privilege or protection:

- a. Identify each such document;
- b. Describe each such document by type or title;
- c. State the date of each such document;
- d. Identify all authors, recipients and copies of each such document;
- e. Describe in detail the subject matter of each such document; and
- f. Identify the precise privilege or protection you claim for each such document.

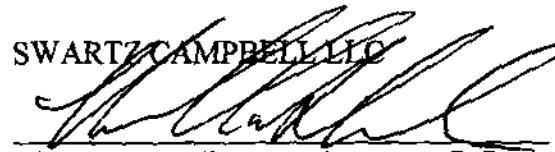
**Response**

In response to this interrogatory, Nationwide states that it will provide a privilege log, in accordance with the governing rules, in connection with any responsive documents withheld as privileged.

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Signed as to Objections:

SWARTZCAMPBELL LLC

  
Nicholas E. Skiles, Esquire (I.D. 3777)  
300 Delaware Avenue, Suite 1130  
P.O. Box 330  
Wilmington, DE 19899  
(302) 656-5935

Attorneys for Defendant Nationwide Mutual  
Insurance Company



TERESA M. NEFF  
Notary Public, State of Ohio  
My Commission Expires 07-18-07

By: Patricia A. Slosek  
On behalf of Nationwide Mutual Insurance Company  
Its: Compliance Manager

STATE OF OHIO

COUNTY OF Franklin

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Ohio to take acknowledgments, personally appeared Patricia A. Slosek, who is personally known to me or who has produced Drivers License as identification and who executed the foregoing interrogatory responses, and he/she acknowledged before me that the matters contained therein are true and correct to the best of her information and knowledge.

WITNESS my hand and official seal in the above County and State, this 14<sup>th</sup> day of October, 2005.

Teresa M. Neff  
Notary Public:

Commission Number: